

Effective 5/12/2015

17-27a-405 Effect of general plan -- Coordination with federal government.

- (1) Except for the mandatory provisions in Subsection 17-27a-401(4)(b) and Section 17-27a-406, and except as provided in Subsection (3), the general plan is an advisory guide for land use decisions, the impact of which shall be determined by ordinance.
- (2) The legislative body may adopt an ordinance mandating compliance with the general plan, and shall adopt an ordinance requiring compliance with all provisions of Subsection 17-27a-401(4)(b).
- (3)
 - (a) As used in this Subsection (3), "coordinate with" means an action taken by the federal government on a given matter, pursuant to a federal law, rule, policy, or regulation, to:
 - (i) work with a county on the matter to achieve a consistent outcome;
 - (ii) make resource management plans in conjunction with a county on the matter;
 - (iii) make resource management plans consistent with a county's plans on the matter;
 - (iv) integrate a county's plans on the matter into the federal government's plans; or
 - (v) follow a county's plans when contemplating any action on the matter.
 - (b) If the federal government is required to coordinate with a county or a local government on a matter, the county's general plan is the principle document through which the coordination shall take place.
 - (c) The federal government is not considered to have coordinated with a county or a local government on a matter unless the federal government has:
 - (i) kept the county apprised of the federal government's proposed plans, amendments, policy changes, and management actions with regard to the matter;
 - (ii) worked with the county in developing and implementing plans, policies, and management actions on the matter;
 - (iii) treated the county as an equal partner in negotiations related to the matter;
 - (iv) listened to and understood the county's position on the matter to determine whether a conflict exists between the federal government's proposed plan, policy, rule, or action and the county's general plan;
 - (v) worked with the county in an amicable manner to reconcile any differences or disagreements, to the greatest extent possible under federal law, between the federal government and the county with regards to plans, policies, rules, or proposed management actions that relate to the matter;
 - (vi) engaged in a good-faith effort to reconcile any conflicts discovered under Subsection (3)(c)
 - (iv) to achieve, to the greatest extent possible under federal law, consistency between the federal government's proposed plan, policy, rule, or action and the county's general plan; and
 - (vii) given full consideration to a county's general plan to the extent that the general plan addresses the matter.

Amended by Chapter 310, 2015 General Session